

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JINJA JOHNSON,

Plaintiff,

-against-

ROSE M. SINGER CENTER, et al.,

Defendants.

22-CV-2410 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. By order dated December 20, 2022, the Court dismissed the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), and the Clerk of Court entered judgment the following day. (*See* ECF 14, 15.) On January 6, 2023, the court's Clerk's Office received Plaintiff's motion for an extension of time to file a notice of appeal, and the notice of appeal. (*See* ECF 17, 18.) For the following reasons, the Court grants Plaintiff's request for an extension of time to file a notice of appeal.

DISCUSSION

Under Fed. R. App. P. 4(a)(1)(A), a notice of appeal in a civil case must be filed within thirty days after entry of judgment. The district court may extend the time to file a notice of appeal, however, if a plaintiff files a motion within thirty days of the expiration of the time to file notice of appeal, and if the moving party shows excusable neglect or good cause for untimely filing. *See* Fed. R. App. P. 4(a)(5)(A).

Plaintiff submitted her request for an extension of time to file a notice of appeal within thirty days after the time to file her notice of appeal expired. Moreover, she states in her motion that she did not receive notice of the order of dismissal until January 4, 2023. (ECF 17.) Accordingly, the Court grants the motion for an extension of time to file her notice of appeal.

CONCLUSION

The Court grants Plaintiff's motion for an extension of time to file a notice of appeal.
(ECF 17.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 4, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge